

Bureau of Health Care Quality & Compliance

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: NVS584HHA	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 03/20/2009
NAME OF PROVIDER OR SUPPLIER GENTIVA HEALTH SERVICES II		STREET ADDRESS, CITY, STATE, ZIP CODE 505 EAST CAPOVILLA, SUITE #104 LAS VEGAS, NV 89119		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
H 00	INITIAL COMMENTS This Statement of Deficiencies was generated as the result of a State licensure survey conducted at your agency on March 17, 2009 through March 20, 2009. The state licensure survey was conducted in accordance with Chapter 449, Home Health Agencies, adopted by the State Board of Health November 28, 1973, last amended November 17, 2005. The findings and conclusions of any investigation by the Health Division shall not be construed as prohibiting any criminal or civil investigations, actions, or other claims for relief that may be available to any party under applicable federal, state or local laws. The following regulatory deficiencies were identified:	H 00		
H151 SS=A	449.782 Personnel Policies A home health agency shall establish written policies concerning the qualification, responsibilities and conditions of employment for each type of personnel, including licensure if required by law. The written policies must be reviewed as needed and made available to the members of the staff and the advisory groups. The personnel policies must provide for: 5. Job descriptions for each category of personnel which are specific and include the type of activity each may carry out; This Regulation is not met as evidenced by: Based on record review on 3/19/09, the agency failed to include a signed job description in the personnel file for 2 of 8 employees (#2 and #7). Findings include:	H151		

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TITLE

(X6) DATE

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

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H151	Continued From page 1 The agency hired Employee #2 on 9/04/07. Employee #2's file lacked a signed job description. The agency hired Employee #7 on 3/02/09. Employee #7's file lacked a signed job description. Severity:1 Scope:1	H151			
H152 SS=C	449.782 Personnel Policies A home health agency shall establish written policies concerning the qualification, responsibilities and conditions of employment for each type of personnel, including licensure if required by law. The written policies must be reviewed as needed and made available to the members of the staff and the advisory groups. The personnel policies must provide for: 6. The maintenance of employee records which confirm that personnel policies are followed; This Regulation is not met as evidenced by: Based on record review on 3/19/09, the agency failed to comply with NRS 449.179 for 7 of 8 employees (#2, #3, #4, #5, #6, #7, #8). Findings include: The Nevada Revised Statutes (NRS) 449.179(1)a: "Except as otherwise provided in subsection 2, within 10 days of hiring an employee or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups shall:	H152			

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H152	<p>Continued From page 2</p> <p>(a) Obtain a written statement from the employee or independent contractor stating whether he has been convicted of any crime listed in NRS 449.188..."</p> <p>The personnel files for employees #2, #3, #4, #5, #6, #7 and #8 lacked signed written statements stating whether they were convicted of any crime as required in NRS 449.188. The most recently hired of these employees was Employee #7 with a hire date of 3/02/09.</p> <p>NRS 449.179(1)c,(1)d:</p> <p>"Except as otherwise provided in subsection 2, within 10 days of hiring an employee or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups shall:</p> <p>(c) Obtain from the employee or independent contractor two sets of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and</p> <p>(d) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (c)."</p> <p>The personnel files of employees #2, #4 and #7 lacked two sets of fingerprints and evidence of submission of those fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The most recently hired of these employees was</p>	H152		

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H152	<p>Continued From page 3</p> <p>Employee #7 with a hire date of 3/02/09.</p> <p>The personnel file of employee #8 contained fingerprints dated 3/18/08. The file lacked a Federal Bureau of Investigation criminal background check clearance letter.</p> <p>NRS 449.179(3)a,(3)b,(3)c:</p> <p>"The administrator of, or the person licensed to operate, an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups shall ensure that the criminal history of each employee or independent contractor who works at the agency or facility is investigated at least once every 5 years. The administrator or person shall:</p> <p>(a) If the agency or facility does not have the fingerprints of the employee or independent contractor on file, obtain two sets of fingerprints from the employee or independent contractor;</p> <p>(b) Obtain written authorization from the employee or independent contractor to forward the fingerprints on file or obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and</p> <p>(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History."</p> <p>The personnel file of employee #6 contained fingerprints dated 8/21/01 and criminal clearances dated 2001.</p> <p>Severity:1 Scope:3</p>	H152		

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H153 SS=C	<p>449.782 Personnel Policies</p> <p>A home health agency shall establish written policies concerning the qualification, responsibilities and conditions of employment for each type of personnel, including licensure if required by law. The written policies must be reviewed as needed and made available to the members of the staff and the advisory groups. The personnel policies must provide for:</p> <p>7. The annual testing of all employees who have contact with patients for tuberculosis pursuant to NAC 441A.375; and</p> <p>This Regulation is not met as evidenced by: NRS 449.0151 "Medical facility" defined. "Medical facility" includes: 4. An agency to provide nursing in the home;... NAC 441A.375</p> <p>3. Before initial employment, a person employed in a medical facility, a facility for the dependent or a home for individual residential care shall have a: (a) Physical examination or certification from a licensed physician that the person is in a state of good health, is free from active tuberculosis and any other communicable disease in a contagious stage; and (b) Tuberculosis screening test within the preceding 12 months, including persons with a history of bacillus Calmette-Guerin (BCG) vaccination. If the employee has only completed the first step of a 2-step Mantoux tuberculin skin test within the preceding 12 months, then the second step of the 2-step Mantoux tuberculin skin test or other single-step tuberculosis screening test must be administered. A single annual tuberculosis screening test must be administered thereafter, unless the medical director of the facility or his</p>	H153		

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H153	<p>Continued From page 5</p> <p>designee or another licensed physician determines that the risk of exposure is appropriate for a lesser frequency of testing and documents that determination. The risk of exposure and corresponding frequency of examination must be determined by following the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200.</p> <p>4. An employee with a documented history of a positive tuberculosis screening test is exempt from screening with skin tests or chest radiographs unless he develops symptoms suggestive of tuberculosis.</p> <p>5. A person who demonstrates a positive tuberculosis screening test administered pursuant to subsection 3 shall submit to a chest radiograph and medical evaluation for active tuberculosis.</p> <p>6. Counseling and preventive treatment must be offered to a person with a positive tuberculosis screening test in accordance with the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (g) of subsection 1 of NAC 441A.200.</p> <p>7. A medical facility shall maintain surveillance of employees for the development of pulmonary symptoms. A person with a history of tuberculosis or a positive tuberculosis screening test shall report promptly to the infection control specialist, if any, or to the director or other person in charge of the medical facility if the medical facility has not designated an infection control specialist, when any pulmonary symptoms develop. If symptoms of tuberculosis are present, the employee shall be evaluated for tuberculosis.</p> <p>Based on record review, the agency failed to ensure employees received tuberculin screening tests pursuant to NAC 441A.375 in 2 of 8</p>	H153			

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H153	Continued From page 6 employees (#6 and #7). Findings include: Employee #6 On 3/19/09 in the afternoon, Employee #6's file indicated the agency hired her on 8/21/01. The file contained annual one-step Tuberculin screening test results dated 9/18/07 and 10/28/08. Employee #7 On 3/19/09 in the afternoon, Employee #7's file indicated the agency hired her on 3/02/09. The file lacked a pre-employment physical and Tuberculin screening test results. Severity:1 Scope: 3	H153		
H186 SS=A	449.797 Contents of Clinical Records Clinical records must contain: 3. A clinical summary from the hospital, skilled nursing facility or other health service facility from which the patient is transferred to the home health agency. This Regulation is not met as evidenced by: Based on clinical record review, the agency failed to ensure it received a clinical summary from the referring physician's office for 2 of 15 patients (#12, 13). Findings include: Patient #12 The start of care for Patient #12 was 2/2/09. Diagnoses included left side hemiplegia, debility	H186		

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H186	Continued From page 7 and hypertension. The clinical record for Patient #12 lacked evidence of a summary of the patient's medical history (clinical summary). Patient #13 The start of care for Patient #13 was 3/5/09. Diagnoses included urinary retention, prostate cancer and Alzheimer's disease. The clinical record for Patient #13 lacked evidence of a summary of the patient's medical history (clinical summary). Severity:1 Scope:1	H186		
H195 SS=A	449.800 Medical Orders 2. Initial medical orders, renewals and changes of orders for skilled nursing and other therapeutic services submitted by telephone must be recorded before they are carried out All medical orders must bear the signature of the physician who initiated the order within 20 working days after receipt of the oral order. This Regulation is not met as evidenced by: Based on clinical record review, agency policy review and interview, the agency failed to ensure a physician signed and dated a recertification order and the subsequent plan of care for 1 of 20 patients (#18). Findings include: Patient #18 On 11/20/08, the agency admitted Patient #18 with diagnoses including osteomyelitis and status	H195		

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H195	Continued From page 8 post excision of spinal cord lesion. On 1/16/09, a skilled nurse obtained verbal orders to recertify Patient #18 for home health services for the period of 1/19/09 to 3/19/09. The verbal orders lacked a physician's signature as of 3/19/09. For the recertification period of 1/19/09 to 3/19/09, the plan of care lacked a physician's signature as of 3/19/09. On 3/19/09, the agency's policy regarding physician orders indicated the following on page 2, section 3-12 (revised 05/08): "Orders will be countersigned by the authorizing practitioner within 30 days from date orders are received, or from the start of care in the case of initial orders. All physician's orders are to be tracked for timely return." On 3/19/09, at 3:15 PM, clerical staff indicated Patient #18's clinical record lacked pending filing related to a previous discussion regarding this issue. Severity:1 Scope:1	H195			
H196 SS=D	449.800 Medical Orders 3. Orders must be specific regarding the level of care and the service given. 4. Medication orders must include: (a) The name of the drug. (b) The exact dosage in units, milligrams, grams or other measurements. (c) Frequency. (d) The duration of treatment. (e) The method of administration. (f) Any special precautions, including requests for doctor's orders for the use of	H196			

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H196	<p>Continued From page 9</p> <p>adrenaline for possible anaphylaxis.</p> <p>This Regulation is not met as evidenced by: Based on clinical record review, the agency failed to ensure medication orders were specific, including the duration of treatment for 1 of 20 patients (#14).</p> <p>Findings include:</p> <p>The start of care for Patient #14 was 4/30/08. Diagnoses included non-healing surgical wound and debility.</p> <p>The initial orders read, "Cefepime 2 milligrams/20 cubic centimeters diluted over 3 - 5 minutes every 12 hours via PICC (peripherally inserted central catheter) per IV (intravenous) push." The order did not include the duration (i.e. days, weeks) the treatment was to be administered.</p> <p>Severity:2 Scope:1</p>	H196			

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